

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.109/MP/2023

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with Articles 12.2 of the Power Purchase Agreements dated 31.12.2019 for the development of 450 MW ISTS connected Wind-Solar Hybrid power project, entered between Adani Solar Energy Jaisalmer One Private Limited (formerly known as SBE Renewables Ten Projects Private Limited) and Solar Energy Corporation of India Ltd. seeking Change in Law compensation along with Carrying Cost.
- Date of Hearing : **10.8.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Adani Solar Energy Jaisalmer One Private Limited (ASEJOPL)
- Respondents : Solar Energy Corporation of India Limited (SECI) and 2 Ors.
- Parties Present : Ms. Sakshi Kapoor, Advocate, ASEJOPL
Shri Dipak Panchal, ASEJOPL
Shri Aditya Singh, Advocate, HPPC

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking reliefs for Change in Law events, viz. (i) imposition of requirement to install bird diverters as per the directives of the Hon'ble Supreme Court in Order dated 19.4.2021 in IA No. 85618 of 2020 in M.K Ranjitsinh v. UoI, (ii) increase in rate of Basic Customs Duty on solar inverters to 20% in terms of the Notifications of the Ministry of Finance, Government of India, and (iii) increase in Goods and Service Tax on renewable energy devices and plants from 5% to 12% in terms of the Notifications of the Ministry of Finance, Government of India. Learned counsel submitted that the Commission, in its various orders, has already recognized all the aforesaid Change in Law events that occurred after the cut-off date, i.e. 20.11.2018 as Change in Law events under the Power Purchase Agreement.

2. Learned counsel for the Respondent No.2, HPPC, submitted that it has already filed its reply in the matter.

3. Considering the submissions made by the learned counsel for the parties, the Commission ordered as under:

- (a) Admit. Issue notice to the Respondents.
- (b) The Petitioner to serve a copy of the Petition on the Respondents immediately, if not already served, and the Respondents to file their reply to

the Petition, if any, within four weeks, with a copy to the Petitioner, who may file its rejoinder, within four weeks thereafter.

4. The Petition shall be listed for hearing on **25.10.2023**.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)